

## REMARKS

In this response to the Final Office Action dated May 29, 2009, Claims 1 and 10 have been amended. Supports for these amendments can be found, for example, from Figure 14 and the related descriptions, more particularly page 9, lines 3-7 of the specification as originally filed. As such, no new matter is added in this response.

Claims 1-6 and 10-14 remain pending. In view of the amendments and remarks as set forth herein, Applicants respectfully request withdrawal of the claim rejections and reconsideration of the pending claims.

### **Claim rejections under 35 U.S.C. 103 (a) over Igaki, Thornton and Cosgro**

The Examiner rejected claims 1, 3, 4, 6, and 10-14 under 35 U.S.C 103(a) as allegedly unpatentable over U.S. Patent No. 5,766,188 to Igaki ("Igaki") in view of U.S. Patent No. 6,551,350 to Thornton *et al.* ("Thornton") in view of U.S. Patent No. 2,259,025 to Cosgro ("Cosgro"). Applicants respectfully traverse this rejection.

Claims 1 and 10 recite, among other features, that there is no requirement of tying a knot in the claimed tubular suture reinforcement material or the method of manufacturing a tubular suture reinforcement material, respectively. However, all the cited prior art requires a knot and fail to teach or suggest any mechanism that does not require a knot. Applicants respectfully submit that the Examiners also agreed with the deficiency of the prior art during the interview. Accordingly, Claims 1 and 10 cannot be obvious in light of the prior art and therefore withdrawal of the rejection is respectfully requested.

As to Claims 3, 4, 6, and 11-14, they incorporate all the features of Claim 1 or 10, through their dependency from the respective base claim. Therefore, these dependent Claims are patentable over the cited references for at least the same reasons that Claim 1 or 10 is patentable. Accordingly, Applicants respectfully request the Examiner to reconsider the dependent Claims 3, 4, 6, and 11-14 for the patentability.

### **Claim rejections under 35 U.S.C. 103 (a) over Igaki, Thornton, Cosgro and Oi**

Claim 2 was rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Igaki in view of Thornton and Cosgro and further in view of U.S. Patent No. 6,063, 097 to Oi *et al.* ("Oi"). Applicants respectfully traverse the rejection.

Claim 2, through its dependency from Claim 1, incorporates all the features of its base Claim 1. As discussed during the interview, Claim 1 is patentable over all the cited references including Igaki, Thornton, Cosgro, and Oi. As such, Claim 2 is also in condition of allowance for at least the same reasons that Claim 1 is patentable over the prior art. Withdrawal of the rejection and reconsideration of Claim 2 is respectfully requested.

**Claim rejections under 35 U.S.C. 103 (a) over Igaki, Thornton, Cosgro and Dalessandro**

Claim 5 was rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Igaki in view of Thornton and Cosgro and further in view of U.S. Patent No. 6,273,897 to Dalessandro *et al.* ("Dalessandro"). Applicants respectfully traverse the rejection.

Claim 5, also through its dependency from Claim 1, incorporates all the features of its base Claim 1. As noted, Claim 1 is patentable over Igaki, Thornton, Cosgro and Dalessandro all of which fail to teach or suggest any mechanism requiring no knot. In light of Claim 1 being patentable over the references, Claim 5 is also patentable. Accordingly, reconsideration of Claim 5 is respectfully requested.

**No Disclaimers or Disavowals**

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicants reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

### CONCLUSION

Applicants have endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. Accordingly, arguments in support of the patentability of the pending claim set are presented above. In light of the above remarks, reconsideration and withdrawal of the outstanding rejections is respectfully requested. If the Examiner has any questions which may be answered by telephone, he or she is invited to call the undersigned directly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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